

Entered - 01/19/01 - sb  
CL01L0042 - DIANNE C. MITCHELL

01-*R*-0161

CLAIM OF: **WENDELL DAVIS AND SHIRLEY BOZEMAN**  
1395 Woodland Avenue, SE  
Atlanta, Georgia 30316

For damages alleged to have been sustained as a result of a vehicular accident on December 21, 2000 at 840 Cherokee Avenue, SE.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WENDELL DAVIS AND SHIRLEY BOZEMAN** the sum of **\$1,256.30** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on December 21, 2000 at 840 Cherokee Avenue, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
**ROSALIND RUBENS NEWELL**  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0042

Date: January 31, 2001

Claimant /Victim WENDELL DAVIS AND SHIRLEY A. BOZEMAN

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 1395 Woodland Avenue, SE, Atlanta, Georgia 30316

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,379.58 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/08/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/21/00 Place: 840 Cherokee Avenue, SE

Department PRCA Division: Parks

Employee involved Terry Lee Harper Disciplinary Action: Written Reprimand

NATURE OF CLAIM: The driver of the City vehicle backed into the claimants' vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

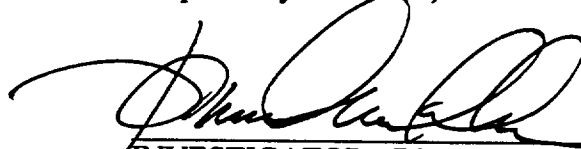
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,256.30 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager: [Signature] Concur/date 02-01-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
CLERK OF COUNCIL  
City Hall  
55 Trinity Street, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 12/2/00

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1399.58 property and / or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

ENTERED - 1-19-01 - SB  
0110042 - DIANNE MITCHELL  
Yes No

1. Date of incident: 12 21 00  
(Month / Day / Year)

2. Police called: \_\_\_\_\_  
Yes No

3. Location of incident: 840 Cherokee Ave.

4. Name of your insurance company: Southern General Policy No. AC-10-129-43-56

5. State what and how incident occurred: Employee backing out hit a parked  
And Damaged Left Front Door OF my car with A  
City Vehicle

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your Vehicle: Toyota Corolla 1999 478XHG Shirley A Bozeman  
(Make) (Year) (Tag number) (Driver's name)

City Vehicle: Chev Bill Rossen Park  
(Make) (City driver's name) (Department/Bureau)

8. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone number)

9. The acknowledgment of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

WENDELL DAVIS  
Shirley A Bozeman  
(Claimant's name)  
1395 Woodland Ave. S.E.  
(Address)  
Atlanta, Ga 30316  
(City and State)  
41874-8069 41624-4908  
(Work telephone) (Home telephone)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0042

\$ 1,256.30

IN CONSIDERATION of the sum of ONE THOUSAND TWO HUNDRED FIFTY-SIX AND 30/100 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Bill Rosser, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 21<sup>st</sup> day of December, 2000

at or near 840 Cherokee Avenue

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 30<sup>th</sup> day of January, 2000.

Wendell Davis (LS)  
WENDELL DAVIS

Shirley A. Bozeman (LS)  
SHIRLEY A. BOZEMAN

Notary Public, Fulton County, Georgia  
My Commission Expires March 9, 2001

The above release was read and explained to, and signed by the said Bernice G. Whitaker

\_\_\_\_\_ in our presence on the date above written.

\_\_\_\_\_  
WITNESSES

01-R-0161